

INTERFERENCE DIGEST

Interference No. 105,551

Paper No.

Name: Jean-Louis Ruelle

Serial No.: 09/700,293

Patent No. 6,780,419, granted 08/24/04

Title: BASB029 polynucleotide(s) and polypeptides from neisseria meningitidis

Filed: 11/13/00

Interference with Scarlato

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

MAILED

JUN 11 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Filed by: Judge James T. Moore
Telephone: 571-272-4683
Facsimile: 571-273-0042

Patentees: RUELLE
Application No.: 09/700,293, now Patent No.
6,780,419, granted 08/24/04
Filed: 11/13/00
For: BASB029 polynucleotide(s) and polypeptides
from neisseria meningitidis

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,551.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/James T. Moore/
JAMES T. MOORE
Administrative Patent Judge

Paper 1

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 11 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
Administrative Patent Judge James T. Moore

Jean-Louis Ruelle
Junior Party
(Patent 6,780,419),

v.

Vincenzo Scarlato,
Vega Massignani, Rino Rappuoli,
Mariagrazia Pizza and Guido Grandi
Senior Party
(Application 11/212,443).

Patent Interference No. 105,551
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application, patent, count, and claims designated as
4 corresponding or as not corresponding to the count(s) appear in Parts E and F of this
5 DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge James T. Moore has been designated to manage
8 the interference. Bd. R. 104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for 1:00 p.m. ET
14 on August 8, 2007 (the Board will initiate the call).

15 No later than 5:00 PM ET August 3, 2007, each party shall file and serve (SO
16 §§ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO §§ 104.2.1, 120 & 204)
17 the party intends to file.

18 A sample schedule for taking action during the motion phase appears as Form 2
19 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
20 the conference call and to agree on dates for taking action. A typical motion period
21 lasts approximately eight (8) months. Counsel should be prepared to justify any request
22 for a shorter or longer period.

1 **Part E. Identification and order of the parties**

2 Junior Party

3 Named inventors: Jean-Louis Ruelle (Limal, Belgium)

4 Involved Patent: 6,780,419, issued August 24, 2004 from application
5 09/700,293, filed November 13, 2000

7 Title: BASB029 POLYNUCLEOTIDE(S) AND POLYPEPTIDES
8 FROM NEISSERIA MENINGITIDIS

10 Assignee: GLAXOSMITHKLINE BIOLOGICALS S.A.
11 980 GREAT WEST ROAD
12 ATTENTION: MICHAEL J. LUBIENSKI, GSK, CIP CN925.1
13 BRENTFORD, UNITED KINGDOM TW8 9GS
14 Correspondent: DANIEL M. BECKER
15 P.O. BOX 10004
16 PALO ALTO, CA 94303

18 Senior Party

20 Named Inventors: Vincenzo Scarlato (Siena, Italy)
21 Vega Massignani (Siena, Italy)
22 Rino Rappuoli (Siena, Italy)
23 Mariagrazia Pizza (Siena, Italy)
24 Guido Grandi (Siena, Italy)

26 Involved Application: 11/212,443, filed August 24, 2005

28 Title: MENINGOCOCCAL ANTIGENS

30 Assignee: CHIRON S.R.L.
31 VIA FIORENTINA 1
32 SIENA, ITALY 53100

35 The senior party is assigned exhibit numbers 1001-1999. The junior party is

36 assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO § 154.2.1. The senior party

37 is responsible for initiating settlement discussions. SO § 126.1.

1

Part F. Count and claims of the parties

3 Count 1

4 Claim 18 of application 11/212,443 or Claim 1 of Patent 6,780,419.

5 The claims of the parties are:

6 Ruelle: 1-15

7 Scarlato: 18-32

8 The claims of the parties which correspond to Count 1 are:

9 Ruelle: 1-15

10 Scarlato: 18-32

11 The claims of the parties which do not correspond to Count 1, and therefore are
12 not involved in the interference, are:

13 Ruelle: None

14 Scarlato: None

15 The parties are accorded the following benefit for Count 1:

16 Ruelle: None

18 Scarlato: 10/695,499
19 09/302,626
20

October 28, 2003
April 30, 1999 (6,709,660)²

2 Do not order this file, it is missing and cannot be found at this time. Scarlato is ordered to produce a copy of its prosecution history in a paper accompanying this declaration or risk losing benefit.

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see
3 SO & 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE

5

6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES

8 Administrative Patent Judge James T. Moore

9

10 Jean-Louis Ruelle
11 Junior Party
12 (Patent 6,780,419),

13 v.

14

15 Vincenzo Scarlato,
16 Vega Massignani, Rino Rappuoli,
17 Mariagrazia Pizza and Guido Grandi
18 Senior Party
19 (Application 11/212,443).

20

21 Patent Interference No. 105,551 (JTM)
22 (Technology Center 1600)

Part H. Order form for requesting file copies

3 When requesting copies of files, use of SO Form 4 will greatly expedite
4 processing of the request. Please attach a copy of Parts E and F of this
5 DECLARATION with a hand-drawn circle around the patents and applications for which
6 a copy of a file wrapper is requested.

/James T. Moore/
Administrative Patent Judge

Enc:

**Copy of STANDING ORDER
Copy U.S. Patent 6,780,419
Copy of claims of 11/212,443**

Revised 3 January 2006

cc (via overnight delivery):

Attorney for RUELLE:

DECHERT LLP
1117 California Avenue
Palo Alto CA 94304-1106

Tel: (650) 813-4800

Attorney for SCARLATO:

**NOVARTIS VACCINES AND DIAGNOSTICS INC.
CORPORATE INTELLECTUAL PROPERTY
4560 Horton Street
Mail Stop R422
Emeryville CA 94608-2916**

Tel: (510) 923-2628